

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

MINERVA M ATIENZA,
Debtor.

CHAPTER 13
CASE NO. 14-54622-PJS
JUDGE PHILLIP J SHEFFERLY

TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Trustee, Krispen S. Carroll, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E. D. Mich. LBR 3015-3(a) as follows:

1. As debtor has failed to timely commence payments, the Trustee requests a future default provision within debtor's Order Confirming Plan requiring debtor to remit payments timely. Should the debtor fail to remit timely payments the Trustee need only provide a Notice of Default providing debtor with 30 days to cure any delinquent payments, otherwise, the case would be dismissed without hearing upon the Trustee's affidavit.

2. The Plan fails to provide that 100% of all tax refunds received by the debtor(s) from the commencement of the case through the entire Plan pendency will be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. § 1325(b)(1)(B) and In re Freeman, 86 F.3d 478 (6th Cir. 1996).

3. Trustee questions the valuation and requests information and documents underlying the lawsuit disclosed on Schedule B including any complaint, answer and Scheduling Order. Trustee requires debtor remit all proceeds, if any, to the Chapter 13 Trustee for the benefit of debtor's creditors.

4. Trustee objects to debtor's failure to list the co-debtor on Schedule H.

5. Trustee requires an amended Schedule I to include all employment pursuant to Line 13 of the original filed Schedule I and debtor's testimony at the § 341 First Meeting of Creditors.

6. Trustee requests 3 most **recent** pay stubs in order to verify debtor's health insurance expense. Trustee requires the pay stubs to be received by the Trustee immediately.

7. Trustee objects to debtor's change to Part V.EE. of the Chapter 13 Plan.

8. Based upon the pay stubs provided, it appears debtor has overstated the income disclosed on Schedule I. As such, Trustee questions the feasibility of debtor's Chapter 13 Plan.

9. The Trustee objects to the inconsistent statements regarding amount of attorney fees in debtor's 2016(b) statement and the Plan of Reorganization. Without this information, your Trustee is unable to properly administer this proceeding.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's Chapter 13 Plan.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Trustee

November 13, 2014

/s/ Maria Gotsis
KRISPEN S. CARROLL (P49817)
MARGARET CONTI SCHMIDT (P42945)
MARIA GOTSIS (P67107)
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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

GUDEMAN & ASSOCIATES
1026 W. ELEVEN MILE ROAD
ROYAL OAK, MI 48067-0000

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

MINERVA M ATIENZA
8401 18 MILE RD APT 24
STERLING HEIGHTS, MI 48313-0000

November 14, 2014

_____/s/ Barbara A. Ecclestone
Barbara A. Ecclestone
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